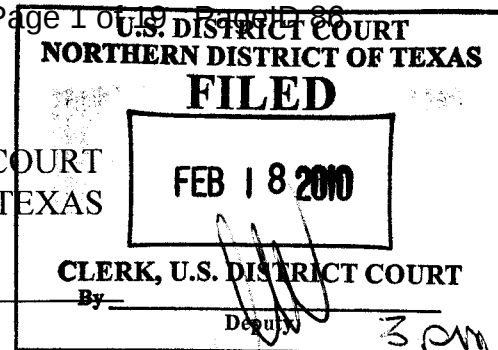


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA

v.

ENRIQUE LOPEZ (1)

§  
§  
§  
§  
§  
§

NO. 3:09-CR-320-M

**Supersedes indictment returned  
on November 3, 2009**

INDICTMENT

The Grand Jury Charges:

Count One

Conspiracy to Commit Bank Robbery  
(Violation of 18 U.S.C. § 371)

On or about February 13, 2009, and continuing through October 3, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator did knowingly, intentionally and unlawfully combine, conspire, confederate, and agree together to commit certain offenses against the United States, to-wit: Bank Robbery and Attempted Bank Robbery, and during the commission of that offense killed an individual, Cresensio Borquez, in violation of 18 U.S.C. § 2113(a), (d), and (e).

OBJECT OF THE CONSPIRACY

The object of the conspiracy was to obtain United States currency belonging to and in the care, custody, control, management, and possession of various banks by means of force, violence, and intimidation.

MANNER AND MEANS

It was part of the conspiracy that **Lopez** and a coconspirator discussed and planned with each other the robberies of: (1) Bank of America, 3309 Camp Wisdom Road, Dallas, Texas; (2) Wachovia Bank, 39703 Lyndon B. Johnson Freeway, Dallas, Texas; (3) Chase Bank, 2530 Fort Worth Avenue, Dallas, Texas; and (4) Chase Bank, 12329 Lake June Road, Balch Springs, Texas. At all times during the course and scope of the conspiracy, the deposits of each bank were insured by the Federal Deposit Insurance Corporation.

It was part of the conspiracy that **Lopez** and a coconspirator would, among other things:

- a. select banks to be robbed;
- b. designate the role each robbery participant would play in each robbery;
- c. acquire and use a car to commit the bank robberies;
- d. use weapons to intimidate bank employees, guards, and customers;
- e. steal United States currency; and
- f. seek to avoid detection and apprehension by law enforcement.

OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

**I. Bank of America robbery on February 13, 2009.**

1. On or about February 13, 2009, **Lopez** and a coconspirator drove to Bank of America, 3309 Camp Wisdom Road, Dallas, Texas, with a firearm and with the express

intent to rob the armored truck guard loading the bank's money into the automatic teller machine ("ATM").

2. **Lopez** and a coconspirator approached the guard from behind and held him at gunpoint.

3. **Lopez** and a coconspirator wore clothing to conceal their identities.

4. **Lopez** and a coconspirator took the bank's money and the guard's pistol.

5. **Lopez** and a coconspirator fled in a white car.

## **II. Wachovia Bank robbery on August 1, 2009.**

1. On or about August 1, 2009, **Lopez** and a coconspirator drove in a car to Wachovia Bank, 39703 Lyndon B. Johnson Freeway, Dallas, Texas, with a firearm and with the express intent to rob the bank.

2. **Lopez** and a coconspirator entered the Wachovia Bank in disguise.

3. **Lopez** and a coconspirator ordered the bank customers to the floor and held them there at gunpoint.

4. **Lopez** jumped over the bank counter and ordered the tellers to give him the bank's money.

5. **Lopez** took the money and fled with the coconspirator in a white car.

## **III. Chase Bank robbery and Murder of Cresensio Borquez on September 18, 2009.**

1. On or about September 18, 2009, **Lopez** and a coconspirator drove in a car to Chase Bank, 2530 Fort Worth Avenue, Dallas, Texas, with a firearm and with the express

intent to rob the armored truck guard loading the bank's money into the ATM.

2. **Lopez** approached the guard, Cresencio Borquez, from behind, grabbed him, held him at gunpoint, and shot him to death.

3. **Lopez** wore clothing to conceal his identity.

4. **Lopez** and a coconspirator fled in a white car.

#### **IV. Chase Bank robbery on October 3, 2009.**

1. On or about October 3, 2009, **Lopez** and a coconspirator traveled in a car to Chase Bank, 12329 Lake June Road, Balch Springs, Texas, with a firearm and with the express intent to rob the bank.

2. **Lopez** and a coconspirator entered Chase Bank in disguise.

3. **Lopez** and a coconspirator ordered the bank customers to the floor where they were held at gunpoint.

4. **Lopez** threatened to detonate a bomb if anyone called the police.

5. **Lopez** went behind the bank counter and ordered the tellers to give him the bank's money.

6. **Lopez** and a coconspirator took the money and fled from the bank in a white car.

In violation of 18 U.S.C. § 371.

Count Two

Bank Robbery

(Violation of 18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2)

On or about February 13, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, aiding and abetting one another, did by force, violence and intimidation, knowingly and intentionally take from the person and presence of another, an agent of Bank of America, 3309 Camp Wisdom Road, Dallas, Texas, United States currency belonging to and in the care, custody, control, management, and possession of Bank of America, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and the defendants in committing the aforesaid act did assault and did put in jeopardy the life of the agent of Bank of America by the use of a firearm.

In violation of 18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2.

Count Three

Using, Carrying, and Brandishing a Firearm During and in  
Relation to, and Possessing a Firearm in Furtherance of,  
a Crime of Violence  
(Violation of 18 U.S.C. § 924 (c)(1)(A))

On or about February 13, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, aiding and abetting one another, during and in relation to a crime of violence, namely bank robbery, in violation of 18 U.S.C. § 2113(a) and (d), as alleged in Count Two, did knowingly use, carry, and brandish a firearm, to wit: a handgun, and the defendant knowingly possessed said firearm in furtherance of the commission of this offense.

In violation of 18 U.S.C. § 924(c)(1)(A).

Count Four  
Bank Robbery  
(Violation of 18 U.S.C. § 2113(a) and (d))

On or about June 13, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez**, defendant, did by force, violence and intimidation, knowingly and intentionally take from the person and presence of another, an employee of Wachovia Bank, 39703 Lyndon B. Johnson Freeway, Dallas, Texas, United States currency belonging to and in the care, custody, control, management, and possession of Wachovia Bank, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and the defendant in committing the aforesaid act did assault and did put in jeopardy the lives of employees and customers of Wachovia Bank by the use of a firearm.

In violation of 18 U.S.C. § 2113(a) and (d).

Count Five

Using, Carrying, and Brandishing a Firearm During and in  
Relation to, and Possessing a Firearm in Furtherance of,  
a Crime of Violence  
(Violation of 18 U.S.C. § 924 (c)(1)(A) and (C))

On or about June 13, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez**, during and in relation to a crime of violence, namely bank robbery, in violation of 18 U.S.C. § 2113(a) and (d), as alleged in Count Four, did knowingly use, carry, and brandish a firearm, to wit: a handgun, and the defendant knowingly possessed said firearm in furtherance of the commission of this offense.

In violation of 18 U.S.C. § 924(c)(1)(A) and (C).



Count Six

Bank Robbery

(Violation of 18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2)

On or about August 1, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, aiding and abetting one another, did by force, violence and intimidation, knowingly and intentionally take from the person and presence of another, an employee of Wachovia Bank, 39703 Lyndon B. Johnson Freeway, Dallas, Texas, United States currency belonging to and in the care, custody, control, management, and possession of Wachovia Bank, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and the defendant in committing the aforesaid act did assault and did put in jeopardy the lives of employees and customers of Wachovia Bank by the use of a firearm.

In violation of 18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2.

Count Seven

Using, Carrying, and Brandishing a Firearm During and in  
Relation to, and Possessing a Firearm in Furtherance of,  
a Crime of Violence  
(Violation of 18 U.S.C. § 924 (c)(1)(A) and (C))

On or about August 1, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, during and in relation to a crime of violence, namely bank robbery, in violation of 18 U.S.C. § 2113(a) and (d), as alleged in Count Six, did knowingly use, carry, and brandish a firearm, to wit: a handgun, and the defendants knowingly possessed said firearm in furtherance of the commission of this offense.

In violation of 18 U.S.C. § 924(c)(1)(A) and (C).

Count Eight  
Bank Robbery  
(Violation of 18 U.S.C. § 2113(a), (d), and (e))

On or about September 18, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, aiding and abetting one another, did by force, violence, and intimidation, knowingly and intentionally attempt to take from the person and presence of another, an agent of Chase Bank, 2530 Fort Worth Avenue, Dallas, Texas, United States currency belonging to and in the care, custody, control, management, and possession of Chase Bank, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation; and in committing such offense, the defendant, **Enrique Lopez**, did assault and put in jeopardy the life of another person by the use of a dangerous weapon, that is a firearm; and further, in committing such offense **Enrique Lopez** did kill Cresensio Borquez.

In violation of 18 U.S.C. § 2113(a), (d), and (e).

Count Nine

Using, Carrying, and Brandishing a Firearm During and in  
Relation to, and Possessing a Firearm in Furtherance of,  
a Crime of Violence  
(Violation of 18 U.S.C. § 924 (c)(1)(A) and (j))

On or about September 18, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, aiding and abetting one another, during and in relation to a crime of violence, namely attempted bank robbery, in violation of 18 U.S.C. § 2113(a), (d), and (e), as alleged in Count Eight, did knowingly use, carry, and brandish a firearm, to wit: a handgun, and **Enrique Lopez** knowingly possessed said firearm in furtherance of the commission of this offense and murdered a person, Cresensio Borquez, through the use of the firearm.

In violation of 18 U.S.C. § 924(c)(1)(A) and (j).

Count Ten

Bank Robbery

(Violation of 18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2)

On or about October 3, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, aiding and abetting one another, did by force, violence and intimidation, knowingly and intentionally take from the person and presence of another, an employee of Chase Bank, 12329 Lake June Road, Balch Springs, Texas, United States currency belonging to and in the care, custody, control, management, and possession of Chase Bank, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and the defendants in committing the aforesaid act did assault and did put in jeopardy the lives of employees and customers of Chase Bank by the use of a firearm.

In violation of 18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2.

Count Eleven

Using, Carrying, and Brandishing a Firearm During and in  
Relation to, and Possessing a Firearm in Furtherance of,  
a Crime of Violence  
(Violation of 18 U.S.C. § 924 (c)(1)(A) and (C))

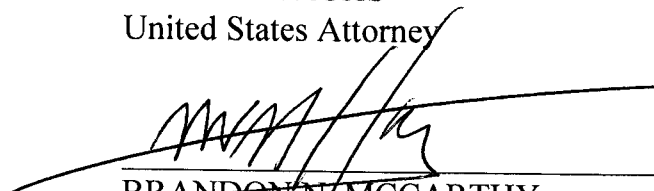
On or about October 3, 2009, in the Dallas Division of the Northern District of Texas, **Enrique Lopez** and a coconspirator, during and in relation to a crime of violence, namely bank robbery, in violation of 18 U.S.C. § 2113(a) and (d), as alleged in Count Ten, did knowingly use, carry, and brandish a firearm, to wit: a handgun, and the defendant knowingly possessed said firearm in furtherance of the commission of this offense.

In violation of 18 U.S.C. § 924(c)(1)(A) and (C).

A TRUE BILL

  
FOREPERSON

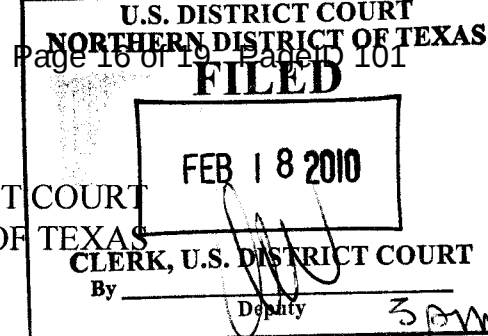
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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

THE UNITED STATES OF AMERICA

v.

ENRIQUE LOPEZ *(1)*

*3:09-cr-320-M*

SUPERSEDING INDICTMENT

18 U.S.C. § 371  
Conspiracy to Commit Bank Robbery

18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2  
Bank Robbery

18 U.S.C. § 924(c)(1)(A)  
Using, Carrying, and Brandishing a Firearm During and in Relation to,  
and Possessing a Firearm in Furtherance of, a Crime of Violence

18 U.S.C. § 2113(a) and (d)  
Bank Robbery

18 U.S.C. § 924(c)(1)(A) and (C)  
Using, Carrying, and Brandishing a Firearm During and in Relation to,  
and Possessing a Firearm in Furtherance of, a Crime of Violence

18 U.S.C. § 2113(a), (d), and (e)  
Bank Robbery

18 U.S.C. § 924(c)(1)(A) and (j)  
Using, Carrying, and Brandishing a Firearm During and in Relation to,  
and Possessing a Firearm in Furtherance of, a Crime of Violence



11 Counts

A true bill rendered

DALLAS

  
FOREPERSON

Filed in open court this 18<sup>th</sup> day of February, A.D., 2010.

-----  
Clerk

**NO WARRANT TO ISSUE** as to ENRIQUE LOPEZ , in Federal Custody Since October 6, 2009.

  
UNITED STATES DISTRICT MAGISTRATE JUDGE

No Magistrate Case Pending: 3:09CR 320-M

**ORIGINAL**  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF TEXAS**

**Related Case Information**Superseding Indictment: ☒ Yes ☐ No New Defendant: ☐ Yes ☒ NoPending CR Case in NDTX: ☒ Yes ☐ No If Yes, number: 3:09-CR-320-M

Search Warrant Case Number \_\_\_\_\_

R 20 from District of \_\_\_\_\_

Magistrate Case Number: \_\_\_\_\_

**1. Defendant Information**Juvenile: ☐ Yes ☒ No

If Yes, Matter to be sealed:

☐ Yes ☐ No

Defendant Name

ENRIQUE LOPEZ

Alias Name

Address

County in which offense was committed:

Dallas, Texas

**2. U.S. Attorney Information****AUSA BRANDON N. MCCARTHY****Texas State Bar # 24027486****3. Interpreter**☐ Yes ☒ No

If Yes, list language and/or dialect:

**4. Location Status IN FEDERAL CUSTODY**

Arrest Date - 10/06/2009

☒ Already in Federal Custody☐ Already in State Custody☐ On Pretrial Release**5. U.S.C. Citations**Total # of Counts as to This Defendant: **11**

Petty

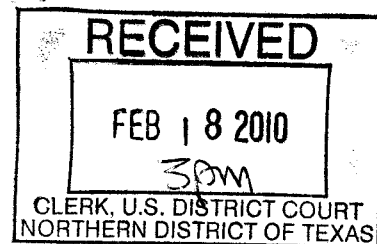


Misdemeanor



Felony

Citation	Description of Offense Charged	Count(s)
18 U.S.C. § 371	Conspiracy to Commit Bank Robbery	1
18 U.S.C. § 2113(a), (d); and 18 U.S.C. § 2	Bank Robbery	2, 6, 10
18 U.S.C. § 924(c)(1)(A)	Using, Carrying, and Brandishing a Firearm During and in Relation to, and Possessing a Firearm in Furtherance of, a Crime of Violence	3
18 U.S.C. § 2113(a) and (d)	Bank Robbery	4



18 U.S.C. § 2113(a), (d),  
and (e)

Bank Robbery

8

18 U.S.C. § 924(c)(1)(A)  
and (j)

Using, Carrying, and Brandishing a  
Firearm During and in Relation to,  
and Possessing a Firearm in  
Furtherance of, a Crime of Violence  
Premises

9

Date: February 17, 2010

Signature of AUSA:

  
BRANDON N. MCCARTHY